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Attny. Docket No. DIV-016CIP (112766-140)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Jay M. Short et al. Examiner: Not Yet Assigned
U.S. Serial No.: 10/021,723 Art Unit: 1649
Filing Date: December 12, 2001
For: RECOMBINANT PHYTASES AND USES THEREOF

Certificate of First Class Mailing

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box: Missing Parts, Washington, D.C. 20231.

Sept. 9, 2002
Date

Nancy E. Gilmore
Nancy E. Gilmore

Assistant Commissioner for Patents
Washington D.C. 20231
BOX: MISSING PARTS

Sir:

**COMMUNICATION IN REPLY TO APRIL 9, 2002
NOTICE TO FILE MISSING PARTS OF APPLICATION
AND PETITION FOR A THREE-MONTH EXTENSION OF TIME**

This Communication is submitted in reply to a Notice to File Missing Parts of Application under 37 C.F.R. §1.53(d) (attached hereto as **Exhibit A**) that was dated April 9, 2002. A reply was originally due on June 9, 2002. Applicants request a three-month extension of time to September 9, 2002 and hereby authorize deduction of the **\$460.00** extension fee from Deposit Account No. 08-0219.

Comm. In Response to Missing Parts Notice
U.S. Serial No. 10/021,723
Filed: December 12, 2001
Attny. Docket No. DIV-016CIP (112766-140)
Page 1 of 3

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NEWYORK 51859v1

In reply to the Notice, applicants also hereby authorize the deduction of **\$65.00** from Deposit Account No. 08-0219 to cover the surcharge for a small entity. Thus, a reply is now due September 9, 2002 and this Communication is being timely filed.

Declaration and Power of Attorney

In compliance with 37 C.F.R. §1.63, applicants file herewith an original Declaration and Power of Attorney (attached hereto as **Exhibit B**). The Declaration refers to the application's above-identified serial number and filing date.

Sequence Listing

In reply to the Notice, applicants enclose herewith a paper copy of a sequence listing for the subject application (attached hereto as **Exhibit C**), a Statement in Accordance With 37 C.F.R. §1.821(f) (attached hereto as **Exhibit D**), and a computer diskette with a computer readable copy of the sequence listing. Applicants will amend the specification in a future paper to bring the specification into line with this Sequence Listing with regard to assignment of SEQ ID Nos.

Formal Drawings

In reply to the Notice, applicants enclose herewith new formal drawing sheets 1-27 for Figures 1-14 (attached hereto as **Exhibit E**). Applicants will amend the specification in a future paper to bring the Brief Description of Formal Drawings into line with the new Formal Drawings.

Applicants invite the Examiner to call the undersigned at the telephone numbers listed below if there are any questions regarding the subject application. In the event that any additional fee is required, excluding an issue fee, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 08-0219.

Respectfully submitted,

Sept. 9, 2002
Date

Jane M. Love
Jane M. Love, Ph.D.
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Attorney for Applicants

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Attny. Docket No. DIV-016CIP (112766-140)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Jay M. Short et al. Examiner: Not Yet Assigned
U.S. Serial No.: 10/021,723 Art Unit: 1649
Filing Date: December 12, 2001
For: RECOMBINANT PHYTASES AND USES THEREOF

STATEMENT IN ACCORDANCE WITH 37 C.F.R. §1.821(f)**BOX SEQUENCE**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

The computer disk enclosed herewith contains a computer readable form of the Sequence Listing attached as **Exhibit D** for the above-referenced patent application. The information recorded in computer readable form on the disk is identical to the written sequence listing submitted herewith on paper in accordance with 37 C.F.R. §1.821(f).

Respectfully submitted,

Date: Sept 9, 2002Jane M. Love

Jane M. Love, Ph.D.
Registration No. 42,812
Attorney for Applicants

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New York, New York 10022
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SEP 16 2002

#6

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|---------------------|-----------------------|--------------------------|
| 10/021,723 | 12/12/2001 | Jay Short | 112766-140 (DIV-016 CIP) |

CONFIRMATION NO. 4677

23483
HALE AND DORR, LLP
60 STATE STREET
BOSTON, MA 02109

FORMALITIES LETTER



OC00000007831538

Date Mailed: 04/09/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

09/19/2002 BABRAHA1 00000016 080219 10021723

01 FC:205 65.00 CH

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 65.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
 - drawings submitted to the Office are not electronically reproducible. Drawing sheets must be submitted on paper which is flexible, strong, white, smooth, non-shiny, and durable (see 37 CFR 1.84(e));
- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant

desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- **For Rules Interpretation, call (703) 308-4216**
- **To Purchase PatentIn Software, call (703) 306-2600**
- **For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov**

The following item(s) appear to have been **omitted** from the application:

- **Figure(s) 5M, 5N** described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h)) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b)**. In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

*A copy of this notice **MUST** be returned with the reply.*

Y. G.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE